

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

MDL No. 2843
Case No. 18-md-02843-VC (JSC)

DISCOVERY ORDER NO. 6

This MDL matter has been assigned to this Court for management of discovery. As discussed at the discovery status conference held on September 4, 2020, the Court orders as follows:

1. **App Developer Investigation.** The parties shall submit a stipulation by September 11, 2020 detailing the process for addressing the privileged materials that Plaintiffs seek from Facebook's App Developer Investigation.
2. **Off-Facebook Data.** The parties continue to dispute the scope and sufficiency of the discovery produced by Facebook regarding the named Plaintiffs. The dispute centers on the relevance of the data produced using the off-platform activity of the named Plaintiffs, which Facebook collects and uses for business purposes. Facebook will file its opening brief by September 18, 2020 and Plaintiffs will file their response brief by September 28, 2020. Facebook may file a reply no later than October 8, 2020 and Plaintiffs may file a sur-reply no later than October 18, 2020. Briefs shall be limited to fifteen pages for the opening and response briefs, and ten pages for the reply and sur-reply briefs.
3. **Search Terms.** On or before October 2, 2020, the parties shall produce an agreed-upon

list of search terms that are applicable to at least the 38 custodians that were part of Facebook's search term proposal on July 21, 2020. It is the Court's understanding that these terms cover most of the most recent document request along with the original document requests. To the extent the parties do not agree as to whether certain terms should be included, by that same date they should file their competing proposals with comprehensive explanations as to why the terms should or should not be included. The Court does *not* intend to hold argument on the issue.

4. **Interrogatories.** Plaintiffs may serve Facebook with up to 75 interrogatories and Defendants may serve Plaintiffs with 75 interrogatories for each named plaintiff, provided each interrogatory is identical. In other words, Facebook gets a total of 75 unique interrogatories. To the extent there is a dispute regarding the reasonableness of interrogatories, then the parties shall submit a discovery dispute joint letter in accordance with the Court's civil standing order. The Court does not intend to hear argument on any dispute so the parties should use their page limits accordingly.
5. **Next Status Conference.** The next video status conference shall be September 25, 2020 at 8:30 a.m. with a joint status statement due in accordance with previous orders.

IT IS SO ORDERED.

Dated: September 8, 2020


JACQUELINE SCOTT CORLEY
United States Magistrate Judge